

Remarks

A 37 CFR 1.132 Affidavit dated 8/2/2006 has been filed along with the present response. The Affidavit provides detailed comments by one skilled in the art as to specific differentiations between the cited art applied by the Examiner and the present invention.

The Examiner rejected claims 15-19 and 21-25 under 35 U.S.C. 103(a) as unpatentable over *Forster* in view of "APA". The Examiner has taken the position that *Forster* discloses a "terminating resistor selected not to match a characteristic impedance of the plurality of lines" and references paragraph [0116] of *Forster* therefore. *Forster* discloses several embodiments of a coupler for coupling with a transponder via a conventional electromagnetic field launched from an antenna element terminated by a load resistor selected to match the characteristic impedance of the line. A coupler according to the invention relies upon an impedance mismatch between the characteristic impedance of a plurality of parallel transmission line(s) and a terminating resistor to generate a near field effect of leaky edges along each of the plurality of parallel lines (specification paragraph 34).

Claim 21 has been amended to include the "terminating resistor selected not to match a characteristic impedance of the plurality of lines" limitation. Claim 22 has been amended to correct antecedent basis according to the Claim 21 amendment.

Applicant respectfully submits that the teachings throughout *Forster*, including the plain language of the paragraph [0116] cited by the Examiner, specifically teaches that the terminating resistor(s) of *Forster* are in fact selected to create a match for the characteristic impedance of the plurality of lines. Because there are dual connections to ground via resistors 418 and 420 in the embodiment associated with paragraph [0116] they each are selected to "have a resistance twice that of the line impedance, giving a parallel **equivalence** across each of the resistors 418 and 420 of the line impedance". As demonstrated by the attached affidavit, one skilled in the art will readily recognize what the plain meaning of the cited paragraph [0116] is. That is, the resistors 418 and 420 are selected to, together as an equivalent resistance, match the characteristic impedance of the line. Also, the embodiment associated with the Examiner's citation has only a single line, not the claimed plurality of parallel lines.

Further evidence of the repeated teaching by *Forster* that the terminating resistor should be selected to match the characteristic impedance of the line(s) is found in paragraph [0053] where the value of the terminating resistor 32 appearing in the figure 9 relied upon by the Examiner for the claim element of "a plurality of lines connected in parallel" has a resistance value "chosen in combination with the characteristic impedance of the transmission line so that the structure, when measured via the matching network, provides a good impedance match".

Because the cited references fail to disclose, teach or suggest a terminating resistor selected not to match a characteristic impedance of the plurality of lines, rejection of claims 15-19 and 21-25 under 35 U.S.C. 103(a) is improper.

Further, Applicant respectfully submits that the Examiner has failed to provide the required motivation to combine the cited references. The Examiner cites Applicant's Admitted Prior Art (APA) appearing in Applicant's specification at Fig. 1. Applicant's Figure 1 is described in specification background paragraph 10 without any mention of the alleged teaching(s)/motivation of the APA "to keep insertion loss, mismatch, undesirable coupling among elements to a minimum" listed by the Examiner. In fact, these concepts appear nowhere in Applicant's specification with respect to the APA, except where it is pointed out that devices according to the figure 1 APA fail to prevent undesired interfering coupling with adjacent transponders (specification paragraph 0011-0012).

Therefore, the Examiner has failed to establish a prima facie case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital* 732 F.2d 1572, 1577 (Fed.Cir. 1984). Absent a showing in the prior art the Examiner has impermissibly used 'hindsight' occasioned by the applicant's teaching to hunt through the prior art for the claimed elements and

combined them as claimed. *In re Zurko* 111 F.3d 887 (Fed.Cir.1997). Therefore, rejection of claims 15-19 and 21-25 under 35 U.S.C. 103(a) is improper.

Having obviated each of the Examiners rejections, applicant respectfully requests that a notice of allowance be issued. Should the Examiner be inclined to issue an Official Action other than the notice of allowance, Applicant respectfully requests that the Examiner first contact Applicant by telephone at the number listed below.

Respectfully submitted,



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